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HERRICK, FEINSTEIN LLP
2 Park Avenue
New York, NY 10016
Tel: 212-592-1400
Fax: 212-592-1500
Joshua J. Angel
Paul Rubin

Attorneys for the Defendants Calypso Mines LLC Endymion, LLC, Tango LLC and
Foxtrot LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MERRILL LYNCH MORTGAGE CAPITAL
INC.,

Plaintiff,

-against-

RALPH ESMERIAN, CALYPSO MINES LLC,
ENDYMION, LLC, R. ESMERIAN INC., TANGO
LLC and FOXTROT LLC,

Defendants.
----- x

Index No.

08 Civ. 5058 (NRB)(MHD)

Civil Action

RULE 7.1 STATEMENT

Pursuant to Federal Rules of Civil Procedure Rule 7.1 and to enable District Judges and
Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned
counsel for defendants Calypso Mines LLC, Endymion, LLC, Tango LLC and Foxtrot LLC.
(each a private non-governmental party) (collectively, the "Defendants") certifies that there are
no corporate parents, affiliates and/or subsidiaries of Defendants which are publicly held.

U.S. DISTRICT COURT
S.D.N.Y.

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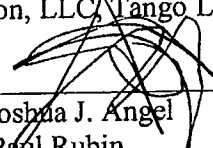
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Dated: New York, New York
June 2, 2008

Respectfully submitted,

HERRICK, FEINSTEIN LLP
Attorneys for Defendants Calypso Mines LLC,
Endymion, LLC, Tango LLC and Foxtrot LLC

By:



Joshua J. Angel
Paul Rubin
2 Park Avenue
New York, New York 10016
(212) 592-1400
jangel@herrick.com
prubin@herrick.com